

Comments, Questions, and Responses

Comprehensive Plan Implementation Committee
Public Hearing January 11, 2007
Harpswell Islands School

Attendees:

35-40 Community attendees

3 Selectmen

5 Planning Board (2 were also members of CPIC)

8 CPIC members

The following are responses of the Comprehensive Plan Implementation Committee (CPIC) to the major comments and questions expressed by public speakers at the public hearing of January 10, 2007. Similar comments or questions have been grouped together prior to their respective responses. Many of the comments echo those from the earlier workshops conducted by the CPIC. Comments that are not directly relevant to the current proposals or that relate to process decisions beyond the mission of the CPIC are not provided a response.

A. Rural/Village District Proposals

QUESTION

What does cluster development mean?

RESPONSE

Cluster development is often referred to in the context of an alternative to traditional subdivision development. In traditional development, the entire parcel of raw land is subdivided into lots which are distributed more or less uniformly throughout the original parcel and encompass its entire area, exclusive of roads. This results in structures and lot improvements being dispersed throughout the subdivision and often more extensive road and driveway networks to access the developed lots.

Cluster development literally entails the clustering of the individual lots and their developed areas within the portion(s) of the subdivision more favorable to development. The remaining area is retained in a substantially undeveloped state as green space or common land and the length of road networks to access the lots are often reduced. These common lands provide a visual buffer from the developed areas, provide passive recreation opportunities, buffer environmentally sensitive areas and provide wildlife habitat and corridors.

QUESTION

What are the setback requirements in the Resource Protection Zone?

RESPONSE

The provisions of the Resource Protection Zone are unaffected by these proposals.

QUESTION

Is there a limit on the amount of groundwater that a residence or business can withdraw from the ground?

RESPONSE

There is no current local regulatory limit on the amount of groundwater withdrawal from an individual well and none is currently proposed. Subdivision applicants (creating three or more lots) are required to demonstrate to the Planning Board that their subdivision will have adequate water supplies and will not adversely affect groundwater supplies. Individual water supply wells withdrawing more than 500 gpd are subject to State review and approval.

QUESTION

If these proposals are accepted at town meeting, what would be required to make changes to them in the future?

RESPONSE

Future changes could be instituted through the Town Meeting, the same process as currently being followed, since the proposals are being made as changes to existing ordinances.

COMMENT

These items should be discussed on the floor of town meeting and not decided by secret ballot.

RESPONSE

No response required.

QUESTION

How would these proposals effect property evaluations in town?

RESPONSE

The CPIC spent considerable time discussing property values in general and the potential affect of these proposals. Since our group did not include any professional appraisers, we express our thoughts only as the opinions of interested and informed persons but not with the weight of a professional opinion.

The valuation of existing developed properties in Harpswell is almost exclusively the result of market factors and the desirability of Harpswell as a place to reside or summer. These proposals are intended to maintain Harpswell's unique character and, as such, should help sustain that desirability in the marketplace and the accompanying valuation.

Assessors' valuation of existing developed properties in Town place a value on the building lot and an incremental value on excess land. The principal valuation of a developed residential property rests in the building lot and the structure with relatively little being in excess land. Excess lot sizes contribute a relatively small amount of the overall valuation.

In the context of discussing efforts to encourage affordable housing, some commentators have expressed the opinion that "a lot is a lot" and reducing size will not in general reduce the cost of a lot to a buyer. If this view was accepted, and the overall number of developed lots remains substantially unchanged (which is the intent), then the total land valuation (on subdivision) would be unchanged. The aspect of affordability (and valuation) might more easily be accommodated in the structures where modest homes would result in more modest valuation for

the structural component. In the end, Harpswell will most likely always have relatively higher site development costs due to our physical site conditions and reliance upon onsite sewerage systems and water supplies. These development costs, as well as the costs of land and structures, all will be factors in market pricing and valuation for new construction.

Lastly many studies reviewed with the Town Planner support the view that home buyers see value in the common lands of cluster subdivisions and are willing to pay a premium for them. Cluster subdivisions, when properly done, remain highly desirable properties and their requirement should not negatively affect overall valuation.

QUESTION

Has any thought been given to the regulation of windmills throughout town?

RESPONSE

No regulation of windmills has been proposed.

QUESTION

Why is it necessary to increase the setback to 100' with a 50' wooded buffer? To the speaker this seems arbitrary and he expressed concern about the perceived lack of ability for property owners to influence or decide such matters.

COMMENT

100' setback seems to be excessive.

RESPONSE

The adopted Comprehensive Plan made multiple recommendations relative to establishing increased building setbacks and wooded buffers in the rural zone and along the major "state aid" roads. Specific reference is made to page 61 where "...substantial setbacks from the main roads of 75 feet where possible" and page 64 where "New homes along major roads, including Routes 123 and 24, Mountain Road and Cundy's Harbor Road, should be set back at least 75 feet beyond a wooded buffer where lot depths permit" are recommended.

The CPIC strongly believes that this increased setback and buffer, where possible, are critical to the existing rural character and necessary to maintaining a distinction between the more densely developed villages and intervening rural areas. This pattern of development was seen by the framers of the Comprehensive Plan as being part of the fundamental character of the Town. Without visual distinction, if substantially built out under current ordinances, frontage along these major roadways would appear as unbroken suburban sprawl with the permanent loss of part of Harpswell's unique physical character.

The CPIC initially proposed the 100 foot setback including a 50 foot buffer as being consistent with the language from page 64 of the Comp Plan, at least 75 feet beyond a wooded buffer. Subsequent to receiving comments at the January 10 public hearing, the CPIC voted to reduce the proposed setback to 75 feet including the buffer, strictly consistent with the dimension expressed in the Comp Plan.

The CPIC does not consider this provision to represent an undue hardship upon a class of property owners in the interest of the common good. We all benefit from maintaining what is considered a desirable and signature attribute of Harpswell. Existing homes that would be rendered nonconforming are exempt from any limitation on expansion that would normally be applied to a nonconforming structure. New structures might reasonably be expected to benefit from increased setback from these major roads. The Planning Board may also reduce the setback requirement for new construction that cannot reasonably conform due to physical site conditions. Adequate safeguards have been put in place to ensure that both existing and new home owners are not unfairly burdened.

COMMENT

100' setback would seem to decrease the possibilities of creating affordable housing in town.

RESPONSE

The setback requirement pertains only to lots fronting on those portions of the major roadways in the rural zone. Affordable housing would be relatively encouraged in the village zone by potentially higher density, site conditions permitting, and without the increased setback requirement along the major roads. Similarly, subdivisions within the rural zone along the major roads, which entail the creation of new interior private roads, would not be subject to the increased setback for lots fronting on the interior roads.

QUESTION

What impact would the proposed subdivision regulations have on the ability of the town to promote affordable housing?

RESPONSE

The current proposals do not directly address affordable housing but are considered by the CPIC to be consistent with future affordable housing initiatives. The Housing Committee is separately charged with developing a proposal for an affordable housing ordinance. The CPIC believes that the provisions are consistent with affordable housing by providing for smaller lot sizes, encouraging clustering, and allowing shared utilities, all of which reduce development costs. Also see discussion on property valuation above.

COMMENT

Commended the Committee and their work and hopes the recommendations are received favorably by the town.

RESPONSE

No response required.

QUESTION

Why are there large tracts of what many would consider rural lands proposed in the village districts? It appears as though the district delineation process was not completely thought through. Large lots should be included in the rural districts.

QUESTION

Was hydrogeology taken into account when considering the district boundaries?
How did the committee decide where to draw the district lines?

COMMENT

The key is the land's capacity to accept and treat wastewater.

QUESTION

Why is there a difference between the proposed lot sizes in the differing districts? If Harpswell is rural why not just propose the rural district recommendations throughout town?

RESPONSE

The village districts do not just recognize existing development. A central element of the Comprehensive Plan is to maintain Harpswell's pattern of alternative village and rural areas and to encourage future growth within the village districts relative to the rural districts. In accordance with State requirements relative to the Comprehensive Plan, the village districts are considered the designated growth districts. As such, there must be undeveloped lands within these districts, often in larger tracts, to accommodate the future development. The village districts incorporate areas of existing more dense development, the recognized villages of Harpswell, as well as the less densely developed areas lying on the margins of these villages. Areas of the existing villages that are essentially fully built out, without significant vacant land to accommodate future development, are considered settled villages and not included within the village district.

The process by which the district boundaries were drawn was laborious and iterative. In establishing the proposed district boundaries, the CPIC started with the district delineations as depicted in the Future Land Use drawing of the adopted Comprehensive Plan. These boundaries were established under the comprehensive planning process and, although the boundary lines were thick, they were precisely drawn and clearly included specific roads and their fronting properties within the districts. The CPIC treated this initial delineation with full respect for the efforts of the Comprehensive Plan.

Subsequently, these delineations were transferred to the larger town maps which depict individual parcel boundaries. The CPIC reviewed the delineated areas for consistency with the Comprehensive Plan, considering whether any significant undeveloped parcels remained to accommodate future development. Where known to the group, ownership of large tracts of land, specifically whether they were Land Trust properties, subject to conservation easements, or subject to significant Resource Protection requirements was considered. The draft boundaries were presented for comment at the numerous workshops held throughout the town in the summer of 2006.

Additionally, proximity to village amenities, existing or potential, was considered. Amenities included schools, churches, libraries, parks or public lands, and stores. These would provide attractions, ideally within walking distance for residents of the village districts. Care was taken not to draw the boundary too small, to exclude amenities from the district or provide little room for growth, or too large, compromising the concept of the village and providing little room for a rural buffer between villages. Many members of the CPIC continually drove the major roadways with a new eye for when the character of development appeared to change from rural to village. (Subjective? Yes, but part of the essence of Harpswell's character expressed in the Comprehensive Plan.)

Hydrogeology was also considered but was not a primary factor in drawing the boundaries which are principally land use based. Most of the known problems with well water supplies and sewage disposal systems in Harpswell are in the more densely developed, older neighborhoods and waterfront communities. The proposals of the CPIC are not intended to solve these problems which are the legacy of past development practices. Proposed subdivision densities in the districts, nominally 1 and 2 acres per dwelling unit in the village and rural districts, respectively, are substantially lower than existing development in the known problem areas. Conventional septic systems typically renovate wastewater without undue impact on overall groundwater quality at a nominal density of 1 acre per dwelling unit. Advanced treatment systems improve on this performance. The 2001 Wright Pierce Phase I report gave a range of one quarter to 4 acres per dwelling unit as the amount of watershed area needed to support individual well supplies, depending upon soil type.

Site conditions in Harpswell are highly localized; specifically for septic systems where small pockets of deeper soil, ledge outcrops, and local wetlands and vernal pools are significant factors. They may differ from broad based mapping, or have been completely missed at the larger scale, and would not be adequately characterized until evaluated in detail at the time of a specific development proposal. The CPIC felt that establishing development densities based on soil mapping would be subject to the limitations of the current mapping, be too complex and controversial to implement at this time, and lacked the relative certainty that conventional minimum lot size provides both the developer and the town.

The proposed overall densities are generally within the reported range of capacities of the land to support groundwater supplies and renovate wastewater. All future development would be subject to review and permitting standards in accordance with applicable ordinances and regulations and dependent upon actual site conditions. Considerable effort and discussion were expended on establishing the district boundaries. Like any process where a sharp line is drawn, with some properties included within the district and some without, judgment is ultimately called for and there will always be room for some disagreement.

QUESTION

How come the proposal allows 20,000 is village subdivisions but not for simple divisions in villages?

RESPONSE

This is a change to the initial proposals that resulted from comments at the series of public workshops. Single lot development often occurs adjacent to or surrounded by previously developed parcels where site utilities are already in place. A smaller single lot has the potential for increased conflict with surrounding development. The larger lot size proposed for a single lot provides greater potential for development without conflict. In subdivisions the development starts with essentially a blank slate within the parcel and fewer constraints from existing development. The ability to manage the location of all utilities throughout the subdivision results in fewer conflicts with the dimensional standards and can be more easily accomplished within a smaller individual lot area. The additional subdivision provision, allowing the use of

common lands to locate wells and septic systems which may also serve multiple properties, further enhances the ability to site utilities in a subdivision even though the individual lot sizes are smaller.

QUESTION

Has consideration been given to the protection of the town's undeveloped mountain tops?

RESPONSE

Not specifically. The proposed design requirements for common open space in subdivisions refer to several broad categories of land that may include undeveloped mountain tops.

QUESTION

What is wrong with the town's current zoning?

RESPONSE

The adopted Comprehensive Plan contains specific recommendations for these proposed changes to the Town's ordinances that would have to be implemented to guide future development and preserve Harpswell's unique community character. The process in accordance with State law requires that these proposals be brought forward to the town for its consideration.

COMMENT

Zoning takes away from owner's property rights and these proposals would take away from some land owners retirement funds (their land). The town needs to develop a way for future generations to be able to live in town. People who work with their hands made this town what it is but they can not afford to live here anymore. If these ordinances pass, the voters will be taking land away from future generations.

COMMENT

These proposals will make the town better off 50 years from now if they are in place than if they are not adopted. Cundy's Harbor road is looking like Brunswick and the town should try to maintain some its traditional character and feel. Large lots within the village district appear to be necessary to allow for and accommodate future development.

No response required.

NOTE

"We live in a moment of history where change is so speeded up that we begin to see the present only when it is disappearing." R. D. Laing, Scottish psychiatrist (1927-1989)

B. Accessory Apartment Amendment

COMMENT

750 sq. ft. is too small.

RESPONSE

The original purpose of the accessory residential unit proposal was to allow the immediate conversion of existing “in-law apartments” into additional, unrestricted rental housing stock. The current ordinance requires such units to be contained within the primary structure. The proposal also allows accessory residential units to be located within accessory structures. The intent of this additional provision is to allow units that are contained within or above detached garage structures. 750 square feet is considered by the CPIC sufficient to accommodate 3 or 4 room, 1 bath apartments. In addition, the proposal also limits accessory units to 50% of the primary unit size, whichever is more restrictive. The speakers offered that a larger size of perhaps 900 square feet would accommodate typical 14 by 60 foot manufactured housing. It is not the intent of this proposal to create additional rental housing stock through the placement of manufactured homes as free-standing accessory structures on existing developed lots. No change to the square footage is proposed.

COMMENT

Supports the recommendation

RESPONSE

No response required.

C. Community Docks

QUESTION

How would this proposal affect community docks not developed as part of a subdivision?

RESPONSE

Community docks, developed by a group of cooperating property owners, would still be allowed and regulated as currently done-under the provisions of the Subdivision Ordinance.